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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,661	04/03/2001	Jeffrey C. Mogul	9772-0323-999	3408

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PENNIE & EDMONDS LLP  
3300 HILLVIEW AVENUE  
PALO ALTO, CA 94304

EXAMINER
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PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/825,661

Applicant(s)

MOGUL, JEFFREY C.

Examiner

Aaron C Perez-Daple

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/3/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Action is in response to Application filed 4/3/01, which has been fully considered.
2. Claims 1-18 are presented for examination.
3. This Action is non-Final.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3 Consortium ("The HTTP Distribution and Replication Protocol," <http://www.w3.org/TR/NOTE>, August 25, 1997.) (hereinafter W3) in view of He (US 5,734,898) (hereinafter He).

6. As for claims 1, 5, 10 and 14, W3 discloses a method for reducing network latency, comprising the steps of:

sending a request for a data object to a server (section 2.3, first paragraph, "A DRP index...that are specified.");

receiving a header portion of a response to said request (section 2.1, last paragraph, "A content identifier...in the URI specification.");

parsing said header portion for a digest value (section 2.3, parsing is inherent for removing the index from the header string so that it can then be used in the comparison);

comparing said digest value to a digest index (section 2.3, third paragraph, "Once the initial download...client up-to-date."; section 2.3, Index Caching, "An HTTP proxy...protocol specification."; section 2.4, third paragraph, "Note that a...from different hosts.");

retrieving a cached data object from a cache if said digest value has a match in said digest index (section 2.4, third paragraph, "Note that a...from different hosts.");

sending said cached data object to a client (section 2.4, third paragraph, "Note that a...from different hosts."; section 2.6, "An HTTP proxy....the differential reply.").

Although obvious to one of ordinary skill in the art and arguably inherent to W3, W3 does not explicitly disclose informing the server to stop sending a remaining portion of said response (thereby terminating the connection with the server). He teaches informing the server to stop sending a remaining portion of said response for the purpose of preventing the download of a file already stored in the cache (col. 3, lines 32-40, "Fig. 20 shows...of communication line."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify W3 by informing the server to stop sending a remaining portion of said response for the purpose of preventing the download of a file already stored in the cache, as taught by He.

7. As for claims 2 and 11, W3 discloses the method of claims 1 and 10, further comprising the steps of:

checking said cache for said data object before sending the request to said server (section 2.4, third paragraph, "Note that a...from different hosts."); and

sending said data object to said client if said data object is found in said cache (section 2.4, third paragraph, "Note that a...from different hosts.").

8. As for claims 3 and 12, W3 discloses the method of claims 1 and 10 wherein said digest index is a hash table (the index of W3 is inherently a hash table because it allows for accessing records using a digest value; see cited webopedia.com definition; sections 2.1-2.2, "The DRP protocol...set of files:").

9. As for claims 4 and 13, W3 discloses the method of claims 1 and 10, further comprising the steps of:

receiving said remaining portion of said response from said server if no match for said digest value is found in said digest index based on said comparing step (section 2.4, paragraphs 1-4, "By requesting an...to be different."); and

sending said remaining portion of said response to said client (section 2.4, paragraphs 1-4, "By requesting an...to be different.").

10. As for claims 6 and 15, W3 discloses a method for reducing network latency, comprising the steps of:

sending a request for a data object to a server (section 2.3, first paragraph, "A DRP index...that are specified.");

receiving a server response from said server (section 2.3, second paragraph, "The index file...such as a database.");

calculating a digest value for said data object based on said server response (section 2.1, Content Identifiers, "The DRP protocol...the URI specification."; section 2.4, Content-ID Header Field, "Now that it...content was returned.");

sending a response to a client cache starting with a header portion, said header portion including said digest value and enabling said client cache to compare said digest value to a digest index, retrieve a cached data object from said client cache if said digest value has a match in said digest index, and send said cached data object to a client (section 2.1, last paragraph, "A content identifier...in the URI specification."; section 2.4, paragraphs 1-4, "By requesting an...to be different.").

Although obvious to one of ordinary skill in the art and arguably inherent to W3, W3 does not explicitly disclose informing the server to stop sending a remaining portion of said response. He teaches informing the server to stop sending a remaining portion of said response for the purpose of preventing the download of a file already stored in the cache (col. 3, lines 32-40, "Fig. 20 shows...of communication line."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify W3 by informing the server to stop sending a remaining portion of said response for the purpose of preventing the download of a file already stored in the cache, as taught by He.

11. As for claims 7 and 16, W3 discloses a method for reducing network retrieval latency, comprising the steps of:

receiving a first request for a data object (section 2.3, first paragraph, "A DRP index...that are specified.");

obtaining a digest value of said requested data object (section 2.1, Content Identifiers, "The DRP protocol...the URI specification.");

inserting said digest value into a header portion of a response (section 2.1, last paragraph, "A content identifier...in the URI specification.");

sending said response, starting with said header portion (section 2.3, paragraphs 1-3, "A DRP index...client up-to-date.").

Although obvious to one of ordinary skill in the art and arguably inherent to W3, W3 does not explicitly disclose informing the server to stop sending a remaining portion of said response. He teaches informing the server to stop sending a remaining portion of said response for the purpose of preventing the download of a file already stored in the cache (col. 3, lines 32-40, "Fig. 20 shows...of communication line."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify W3 by informing the server to stop sending a remaining portion of said response for the purpose of preventing the download of a file already stored in the cache, as taught by He.

12. As for claims 8 and 17, W3 discloses the method of claims 7 and 16, wherein said obtaining includes the step of:

retrieving said digest value from a hash table (the index of W3 inherently comprises a hash table, see cited webopedia.com definition; section 2.2, "To describe...set of files:").

13. As for claims 9 and 18, W3 discloses the method of claims 7 and 16, wherein said obtaining includes the step of:

calculating said digest value based on contents of said data object (section 2.1, Content Identifiers, "The DRP protocol...the URI specification.").

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. <http://www.webopedia.com/TERM/h/hashing.html>, July 12, 2004; US


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2002/0073276 A1, note hash table used in cache system; US 5,301,280, note teaches aborting request; US 5,919,247, note teaches proxy server with cache; US 6,389,510 B1, note Fig. 1; US 2002/0048269 A1, note Fig. 1; US 2001/0027479 A1, note client cache system with digests.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703) 305-4897. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 2/2/05

Aaron Perez-Daple



John Follansbee